

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

United States of America)
) Cr. No. 5:04-885
vs.)
)
Joe Roger Moultrie,) **O R D E R**
)
Defendant.)
_____)

On May 2, 2015, Defendant Joe Roger Moultrie pleaded guilty to possession with the intent to distribute and distribution of 50 grams or more of cocaine base, in violation of 21 U.S.C. § 841(a). On July 20, 2005, Defendant was sentenced to incarceration for a period of 262 months. In addition, the court imposed a term of supervised release for ten years. Judgment was entered on August 2, 2006. On March 18, 2010, an amended judgment pursuant to Fed. R. Crim. P. 35(b) was entered that reduced Defendant's term of incarceration to 120 months. Defendant was released to supervision on or about September 4, 2013.

This matter is before the court on motion for termination of supervised release filed by Defendant on July 11, 2016. The court has conferred with United States Probation Officer Michael D. Clyburn, who informs the court that he does not recommend early termination of supervision because Defendant tested positive for cocaine in March 2016 and is participating in outpatient treatment. The court also has conferred with Assistant United States Attorney William K. Witherspoon, who objects to early termination of supervision.

Considering the factors set forth in 18 U.S.C. § 3553(a) to the extent that they are applicable, the court finds that the interests of justice will not be served if termination of supervision is granted at this time. See 18 U.S.C. § 3583(e). Accordingly, Defendant's motion for early termination

of supervised release (ECF No. 84) is **denied**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Charleston, South Carolina

July 18, 2016.